

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

LATONYA WILLIS,

Plaintiff,

v.

Case Number 06-13686-BC  
Honorable Thomas L. Ludington

VALLEY RESIDENTIAL SERVICES,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION AND DENYING  
PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT**

This matter is before the Court on a report and recommendation issued by Magistrate Judge Charles E. Binder on December 22, 2006 recommending that the plaintiff's motion for default judgment be denied. The plaintiff has submitted several papers entitled "documents submitted by plaintiff." The document consists largely of what appears to be correspondence from her employer and a series of performance reviews. Although this information may be helpful in response to a dispositive motion filed by the defendant, the Court is unable to construe the materials submitted as objections to the report and recommendation.

The magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report. And, as noted, nothing that can be construed as objections has been filed. The plaintiff's failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the conclusions of the

magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation is **ADOPTED** and the plaintiff's motion for default judgment [dkt # 11] is **DENIED**.

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: January 29, 2007

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on January 29, 2007.

s/Tracy A. Jacobs  
TRACY A. JACOBS